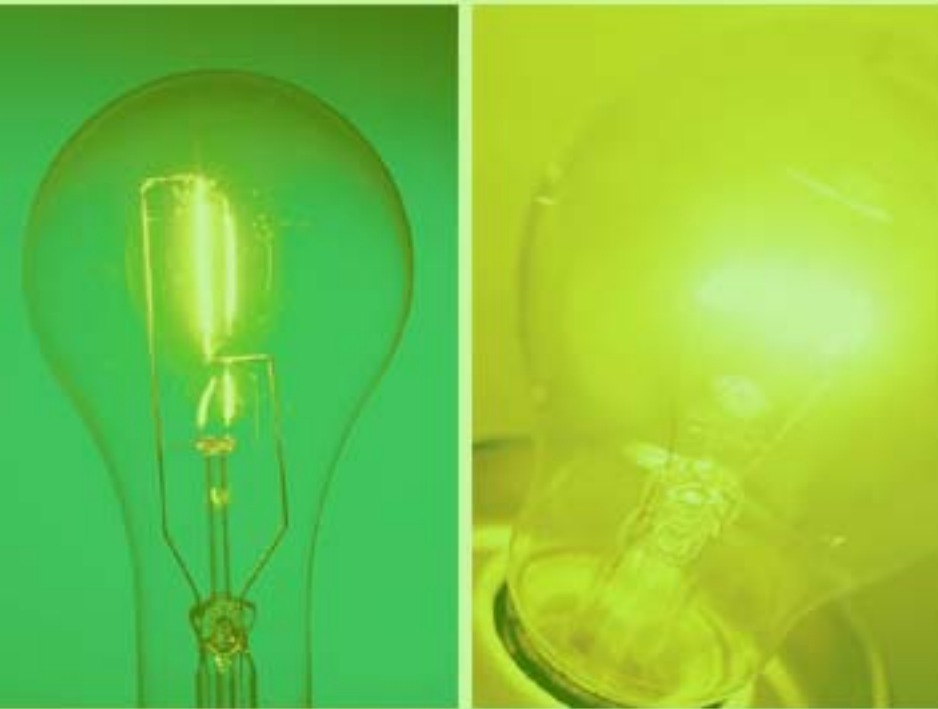


# Wisconsin Compliance Audit Program



An Environmental  
Improvement Program  
(299.85)

# Purpose

- Encourage compliance audits by providing a voluntary program with substantially less financial risk and limited liability for violations disclosed as part of an environmental compliance audit.
- Law modeled on EPA's Audit Policy
- Being in Compliance is Good Business & Good for the Environment



# The Law (299.85)

- Requirements for participation
- Disclosure and “Grace period” for violations
- Transparency
- Liability limitations for self-disclosed violations



# Wisconsin Compliance Audit Program

## The Basics

### Commitment

- Notify DNR 30 days in advance of audit
- Conduct Audit
- Submit Environmental Compliance Audit Report
- Correct the violations within time limits

### Benefits

- Grace period of up to 12 months for correction.
- Limited fiscal exposure for disclosed violations



# Eligibility for Participation

## Compliance Status

- No civil suit by state or citation by DNR or local government in last two years.

## Commitment

- Notify DNR in writing 30 days before beginning the audit
- Conduct audit within 365 days of notification
- Submit a compliance audit report to DNR that identifies any violations & includes corrective action plan and a commitment to implement it

# Wisconsin Compliance Audit Program Audit Notification

State of Wisconsin Department of Natural Resources P.O. Box 7921, Madison WI 53707-7921 dnr.wis.gov		<b>Notice of Intent to Perform an Environmental Improvement Program Audit</b> Form 4800-021 (7/04)	
<b>Instructions:</b> This form is provided for facilities to notify the Wisconsin Department of Natural Resources (DNR) that they intend to perform an environmental compliance audit. In accordance with the Environmental Improvements Program, s. 299.85 Wis. Stats., this notification will provide deferred civil enforcement and limited liability for violations disclosed as a result of the audit except for specific exclusions listed in the statute. To be eligible for the provisions in this statute, a facility conducting an environmental audit must give notice to DNR that it is planning to commence the audit at least 30 days prior to the audit date. In order to qualify for audit relief you must submit an audit report to DNR that satisfies the requirements in s. 299.85, Wis. Stats., within 365 days of filing this audit intent form. Personal information collected on this form may be made available to requesters under Wisconsin's Open Records laws (ss. 19.31-19.39, Wis. Stats.) and requirements.			
<b>Information about the facility that will be audited</b>			
Name of Facility to be Audited		Facility Identification Number (FID)	
Street Address of Facility to be Audited		City	
Mailing Address		State	Zip
Location of Facility to be Audited: Street Address and County; and if Rural the Township, Range, Section, and Quarter Section			
Identification Numbers of any Permits or Licenses Held by Audited Facility			
Name of Facility Representative		Title	Telephone Number email
<b>Describe the operations or practices to be reviewed during the audit</b>			
<b>Describe the general scope of the audit. For example will the audit review all requirements and/or discharges to air, water and land.</b>			
<b>List the anticipated date audit will begin</b>			
<b>Within the last two years has the department of justice filed a suit to enforce an environmental requirement or has DNR or a local unit of government issued a citation to enforce an environmental requirement because of a violation involving this facility? If so Please Describe:</b>			
<b>Signature of official responsible for environmental compliance</b>			
Print Name		Title	Telephone Number email
I acknowledge that deferred civil enforcement does not apply to violations discovered by the audited facility before the beginning of the environmental compliance audit.			
Signature		Date Signed	

- Simple, one page
- Sign statement acknowledging that violations found before the audit are not eligible for the program
- DNR response letter



# Compliance Audit Report

- Basic Information about the audit
- Violations revealed in the audit & length of time they may have existed
- Action taken to remedy the violations
- Commitment to remedy the violations within 90 days or propose a compliance schedule for remedying within 365 days (to be approved by DNR)



## Wisconsin Compliance Audit Program Violations over 90 Days to Correct

- Compliance Audit Report must include a proposed compliance schedule & proposed stipulated penalties
- Discussion between DNR & the facility
- Public notice & public comment period



## "Limited Liability" Provisions

- No civil lawsuit for at least 90 days after the audit report is submitted
- If corrected, maximum forfeiture of \$500 per violation, regardless of the number of days the violation existed
- Citation rather than DOJ

# Exclusions

- Imminent threat to public health or environment;
- DNR discovers the violations first;
- Substantial economic benefit that gives clear competitive business advantage;
- Identified through required monitoring or sampling;
- Repeat violation of same requirement; or
- Violations discovered by participant before the audit.

# Program Results

- 5 Companies have notified DNR of their intent to Perform Audits
- 1 Company submitted an Environmental Compliance Audit Report and corrected violations within 90 days
- We anticipate receiving reports from other companies. One company subsequently went out of business.
- Will summarize in Annual Report to legislature



# More information

## Web

<http://greentier.wi.gov>

Compliance Auditing:

- Web page
- Fact sheet
- Notification Form
- Environmental Compliance Audit Report Template

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# Next Step



- Being in Compliance is Good Business
- Going Beyond Compliance can be Great Business!